

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WASHINGTON TOXICS COALITION, et al.,

Plaintiffs,

v.

ENVIRONMENTAL PROTECTION AGENCY,  
and STEVEN L. JOHNSON, Acting  
Administrator,

Defendant,

AMERICAN CROP PROTECTION  
ASSOCIATION, et al.,

Intervenor-Defendants

CASE NO. C01-132C

ORDER

This matter comes before the Court on Plaintiff Washington Toxics Coalition's ("WTC's") Motion to Modify the July 2, 2002 Order (Dkt. No. 316) and Motion for Relief from Deadline for Filing Documentation Supporting Reply (Dkt. No. 327). Plaintiffs WTC, et al., move the Court to impose a schedule under which the Environmental Protection Agency ("EPA") will revise its "not likely to adversely affect" and "no effect" determinations to incorporate the risk assessment method contained in the "Overview of the Ecological Risk Assessment Process in the Office of Pesticide Programs, U.S. Environmental Protection Agency – Endangered and Threatened Species Effects Determinations."

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1 EPA made its initial effects determinations pursuant to the schedule the Court mandated in the  
2 July 2, 2002 Order ("July Order"). At this time, the question of whether EPA based those determinations  
3 on the best available science, as required by the Endangered Species Act, is not properly before the  
4 Court. Without making such a finding, the imposition of a new schedule is not warranted. Accordingly,  
5 the Court hereby DENIES Plaintiffs' Motion to Modify the July Order.

6 In their Motion for Relief from Deadline for Filing Documentation Supporting Reply, Plaintiffs  
7 seek to introduce additional evidence supporting their assertion that EPA has neither relied on nor  
8 provided NOAA Fisheries with the best available science. The Court declines to reach this issue and  
9 therefore hereby STRIKES Plaintiffs' Motion for Relief from Deadline.

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11 SO ORDERED this 26th day of April, 2005.

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14 UNITED STATES DISTRICT JUDGE  
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